

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA                    )  
  ) CRIMINAL NO. 04-10361-NG  
                  v.                                )  
  )  
JOHN HANDY                                    )

**GOVERNMENT'S PROPOSED EXAMINATION  
OF PROSPECTIVE JURORS**

---

The United States of America respectfully requests the Court to include the following in its examination of prospective jurors pursuant to Fed. R. Crim. P. 24(a).

1. The function of the jury is to decide questions of fact; you are the sole judges of the facts, and nothing the Court or the lawyers say or do may in any way encroach on the jury's role as the exclusive fact finder. When it comes to the law, however, as distinguished from the facts, you are to take your instructions from the Court and you are bound by those instructions. You may not substitute your views of what the law is or what you think it should be. At the conclusion of the case, your function will be to determine the guilt or innocence of the defendant, in accordance with the instructions I will give you on the law. Is there any juror who would not be able to follow the instructions I will give?

2. Does any juror have any preconceived idea or prejudice that would prevent or hinder him or her from following the

instructions that the Court will give the jury as to the law?

3. Have you ever had a negative experience with a law enforcement officer, including federal agents and state troopers or local police officers?

\* If so, please explain.

\* Would this experience prevent you from rendering a fair and impartial verdict?

4. Do you have any religious, moral, or philosophical beliefs that would make it difficult for you to render a guilty verdict against the defendant even if you were convinced that the defendant committed the offense charged?

5. Would you believe or disbelieve the testimony of a law enforcement officer or a government agent simply because of that person's position as a law enforcement officer or government agent?

6. Has any juror, or a relative or close friend, ever been involved with or appeared as a witness in any investigation by a federal or state Grand Jury, or by a congressional or state legislative committee, licensing authority, or government agency?

7. Have you, or any member of your family ever been charged with a criminal offense? If so: (at bench)

- \* What was the nature of the offense?
- \* How was the matter resolved?
- \* How does this affect your ability to be fair and impartial in your consideration of this case?

8. Have any of you ever had a license to carry a firearm suspended or revoked? If so:

- \* How does this affect your ability to be fair and impartial in your consideration of this case?

9. Have any of you served on a jury trial, civil or criminal, in any court? If so:

- \* What type of case?
- \* If criminal, what were the charges?
- \* Did the jury reach a verdict?
- \* Did you feel that the decision was the result of a fair and impartial application of the law?

10. Does any juror have any bias or prejudice for or against the United States Department of Justice, the United States Attorney's Office, the United States Bureau of Alcohol, Tobacco, Firearms & Explosives, the Massachusetts State Police, the Brockton Police Department, any other federal law enforcement agency, or law enforcement in general?

11. This case deals with allegations that the defendant, John Handy, unlawfully possessed a firearm and ammunition. Have you heard or read anything whatsoever about this case, or about the prospective witnesses, or about the defendant, or about the attorneys?

12. Is there any member of the panel who would hesitate to fulfill his or her duty as a juror and return to the courtroom with a verdict of guilty if he or she is convinced of the defendant's guilt beyond a reasonable doubt?

CONCLUSION

The United States requests that the above questions, and any other questions designed to elicit information relating to challenges for cause, be propounded to the prospective jurors.

If a prospective juror has a positive response to any of the questions, the United States requests that the juror be further examined out of the hearing of the other jurors, regarding the details of the positive response.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By:

/s/Antoinette E.M. Leoney  
ANTOINETTE E.M. LEONEY  
Assistant U.S. Attorney

Dated: May 3, 2007

**CERTIFICATE OF SERVICE**

Suffolk, ss.

Boston, Massachusetts  
May 3, 2007

I, Antoinette E.M. Leoney, Assistant U.S. Attorney, do hereby certify that I have this day served a copy of the foregoing, by electronic court filing, upon Timothy Watkins, Esq., Federal Defender's Office, 408 Atlantic Avenue, 3<sup>rd</sup> Floor, Boston, MA 02210.

/s/Antoinette E.M. Leoney  
ANTOINETTE E.M. LEONEY  
Assistant U.S. Attorney